

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LARRY DALE JOHNSON,

3:15-CV-00581-AC

Plaintiff,

ORDER

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#91) on March 20, 2017, in which he recommends the Court dismiss Plaintiff's Second Amended Complaint (#90) sua sponte with leave to amend to "allege the facts giving rise to his claim to compel the [Bureau of Prisons] to accept or reject his IACA [Inmate Accident Compensation Act, 18 U.S.C. § 4126]

claim" as set out in the Findings and Recommendation.

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **DISMISSES** Plaintiff's Second Amended Complaint (#90). The Court **GRANTS** Plaintiff leave to file a Third Amended Complaint **no later than May 17, 2017**, only to allege the facts that give rise to his claim to compel the Bureau of Prisons to accept or to reject Plaintiff's IACA claim as set out in the Findings and Recommendation.

The Court advises Plaintiff that the Magistrate Judge will review Plaintiff's Third Amended Complaint and will recommend *sua sponte* dismissal of the Third Amended Complaint if it fails to comply with the March 20, 2017, Findings and Recommendation or this Court's Order. If Plaintiff fails to file a Third Amended Complaint by May 17, 2017, or if Plaintiff's Third Amended Complaint does not comply with the Findings and Recommendation or this Court's Order, the Court will dismiss this matter with

prejudice.

IT IS SO ORDERED.

DATED this 17th day of April, 2017.



ANNA J. BROWN
United States District Judge